

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FLOSPORTS, INC.,	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 1:17-cv-1043-LY
	§	
WWN, INC.,	§	
Defendant.	§	

JOINT RULE 26(f) REPORT OUTLINING DISCOVERY PLAN

Plaintiff FloSports, Inc. (“FloSports”) and Defendant WWN, Inc. (“WWN”) jointly submit this report pursuant to Federal Rule of Civil Procedure 26(f). Counsel for the parties conferred via teleconference on December 18, 2017 and developed the following proposed discovery plan. Each party reserves the right to alter the plan as litigation develops and new information becomes known.

1. Initial Disclosures. The parties have agreed to serve their initial disclosures, as described in Federal Rule 26(a)(1), on or before January 10, 2018. Neither party foresees any changes in form or requirements of mandatory disclosures under Federal Rule 26(a) and Local Rule CV-16.

2. Discovery Subjects. FloSports has alleged that WWN committed fraud and fraudulently induced FloSports to enter into the parties’ contract and WWN breached the parties’ contract. WWN alleges that it acted in good faith, did not commit fraud, and performed fully under the contract. WWN currently has a motion to dismiss pending for lack of personal jurisdiction; to the extent that motion is not granted, WWN anticipates that it may bring counterclaims against FloSports as well. The parties intend to conduct discovery regarding the

factual and legal contentions underlying FloSports' claims for alleged fraud and fraudulent inducement and breach of contract as well as any potential counterclaims WWN may bring. Discovery will also focus on the basis and amount of the parties' respective damage claims.

3. Discovery Scope, Limits, Phases. At this time, and except as provided in this report, the parties do not propose or request any changes to the scope and limits of discovery as set forth in the Federal Rules of Civil Procedure and the applicable Local Rules. At this time, the parties do not intend to limit discovery to certain issues or to conduct discovery in phases. The parties agree to work together in good faith to accommodate reasonable requests for extensions for any discovery deadlines.

4. Electronically Stored Information. At this time and subject to entry of an applicable protective order, the parties do not anticipate any issues about disclosure or discovery of electronically stored information. The parties initiated litigation holds as of the date suit was filed.

5. Privilege and Protection Issues. At this time and subject to entry of an applicable protective order, the parties do not anticipate any issues about claims of privilege or of protection as trial-preparation materials. As will be laid out in an applicable protective order, the parties agree that the receiving party will notify the producing/disclosing party if the receiving party reasonably believes the producing/disclosing party inadvertently produced privileged material.

6. Discovery Limitations. The parties are not aware of any changes or additions that should be made to the limitations on discovery imposed by the Federal Rules of Civil Procedure or the applicable Local Rules.

7. Other Orders under Rule 26(c) or Rule 16(b) and (c). The parties are submitting a proposed scheduling order and an agreed protective order for the Courts' consideration and signature.

Dated: December 20, 2017

Respectfully submitted,

REEVES & BRIGHTWELL LLP

/s/ Manasi Rodgers

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2017, the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Karen C. Burgess

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